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Daisuke Yano

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EDWARDS ANGELL PALMER & DODGE LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

RICKMAN, HOLLY C

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota et al. (US 4132350) in view of Marechal et al. (US 4899037).

Kubota et al. disclose a magnetic card and transfer tape wherein the magnetic card comprises a base layer structure, a magnetic layer, a masking layer for covering the magnetic layer, a printing layer formed from two different colors of ink having a uniform thickness and a protective layer thereon (see Fig 7; col. 3, line 20 to col. 4, line 27). The transfer sheet is formed from a backing layer 10, a protective layer, a printed layer having printed and non-printed regions of different colors wherein this layer has a uniform thickness 5, a color layer 4 and a magnetic layer 3 bonded to a layer 1b1 which corresponds to the claimed adhesive layer (See Fig 14). The reference is silent with respect to the claimed coercivity of the magnetic layer.

Marechal et al. teach that a suitable coercivity for a magnetic coating in a magnetic card structure is 300-600 Oe which reads on the claimed range.

It would have been obvious to one of ordinary skill in the art at the time of invention to choose an optimal coercivity value from within the range of 300-600 Oe taught by Marechal for

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use in the magnetic card and transfer tape structures taught by Kubota et al. in order to achieve the desired recording performance.

With regard to the claim limitation requiring a “uniform” thickness of the printed layer, the figures in Kubota are relied upon to show that the printed layer taught therein meets the claim limitation requiring that the thickness of the printed layer is “uniform.” The examiner notes that the term “uniform” is a broad term. There is no recitation in the claims regarding the particular parameters of uniformity that must be met (for example, a certain maximum surface roughness). Thus, the term must be assigned the broadest reasonable interpretation consistent with the prior art. The examiner maintains that one of ordinary skill in the art would view the printing layer taught by Kubota as being “uniform.”

Response to Arguments

3. Applicant's arguments filed 2/13/08 have been fully considered but they are not persuasive.

Applicant argues that Kubota et al. “fails to specify the thickness of either the pattern printed region or the thickness of the non-pattern printed region, and, therefore, fails to specify a uniform thickness thereof.”

The examiner respectfully disagrees. While Applicant is correct that Kubota fails to disclose a thickness of the pattern printed region and the non-pattern printed region, the uniformity of thickness of the two layers is shown in the figures. Applicant's arguments do not address the examiner's position regarding the teaching set forth in the figures.

Applicant also argues that Kubota et al fails to disclose that the printed layer will affect output properties of the magnetic card. The examiner notes that the features upon which applicant relies (i.e., “output properties”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, there is no evidence of record establishing the presence of unexpected output properties associated with the claimed invention.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Holly Rickman/ whose telephone number is (571) 272-1514. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Holly Rickman/
Primary Examiner
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